



Reprinted
February 20, 2007

SENATE BILL No. 357

DIGEST OF SB 357 (Updated February 19, 2007 4:29 pm - DI 77)

Citations Affected: IC 8-23; IC 14-8; IC 14-23; noncode.

Synopsis: Sale of nursery stock and wildflower seeds. Prohibits the department of transportation and the department of natural resources from selling or distributing nursery stock or wildflower seeds to certain residents of other states and certain businesses.

Effective: July 1, 2007.

Heinold, Gard, Waterman, Broden

January 11, 2007, read first time and referred to Committee on Natural Resources.
February 13, 2007, reported favorably — Do Pass.
February 19, 2007, read second time, amended, ordered engrossed.

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SB 357—LS 7364/DI 77+



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 357

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-2-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 18. (a) This section does not apply to the following:**

4 **(1) The sale or distribution of nursery stock or wildflower**
5 **seeds to the following:**

6 **(A) An individual who resides in Indiana.**

7 **(B) A governmental entity.**

8 **(C) A nonprofit organization or an educational institution.**

9 **(D) An agricultural research program.**

10 **(2) The exchange of nursery stock or wildflower seeds with a**
11 **person or an entity.**

12 **(b) As used in this section, "nursery stock" has the meaning set**
13 **forth in IC 14-8-2-184(1).**

14 **(c) The department may not sell or distribute nursery stock or**
15 **wildflower seeds to the following:**

16 **(1) An individual who resides in a state other than Indiana,**
17 **unless the individual:**



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(A) owns land in Indiana; and

(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana.

(2) A retail business that sells nursery stock or wildflower seeds.

(3) A wholesale business that sells nursery stock or wildflower seeds.

SECTION 2. IC 14-8-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 184. "Nursery stock" has the following meaning:

(1) For purposes of **IC 14-23-1** and IC 14-24, except as provided in subdivision (2), botanically classified hardy perennial or biennial trees, shrubs, vines, fruit pits, and other plants or plant parts capable of propagation. The term does not include corms, tubers, field vegetables, or flower seeds.

(2) For purposes of IC 14-24-6, the meaning set forth in IC 14-24-6-3.

SECTION 3. IC 14-23-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **This section does not apply to the following:**

(1) The sale or distribution of nursery stock or wildflower seeds to the following:

(A) An individual who resides in Indiana.

(B) A governmental entity.

(C) A nonprofit organization or an educational institution.

(D) An agricultural research program.

(2) The exchange of nursery stock or wildflower seeds with a person or an entity.

(b) The department may not sell or distribute nursery stock or wildflower seeds to the following:

(1) An individual who resides in a state other than Indiana, unless the individual:

(A) owns land in Indiana; and

(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana.

(2) A retail business that sells nursery stock or wildflower seeds.

(3) A wholesale business that sells nursery stock or wildflower seeds.

SECTION 4. [EFFECTIVE JULY 1, 2007] (a) IC 8-23-2-18 and IC 14-23-1-2, both as added by this act, do not apply to a contract to sell or distribute nursery stock (as defined in IC 14-8-2-184(1))

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1 or wildflower seeds that was entered into before July 1, 2007.
2 (b) This SECTION expires July 1, 2012.

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SENATE MOTION

Madam President: I move that Senator Gard be added as second author and Senator Waterman be added as third author of Senate Bill 357.

HEINOLD

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 357.

HEINOLD

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 357, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 357 as introduced.)

JACKMAN, Chairperson

Committee Vote: Yeas 7, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 357 be amended to read as follows:

Page 1, line 16, delete "." and insert "**, unless the individual:**

(A) owns land in Indiana; and

(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana."

Page 2, line 27, delete "." and insert "**, unless the individual:**

(A) owns land in Indiana; and

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(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana."

(Reference is to SB 357 as printed February 14, 2007.)

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